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8 ALEX VILLANUEVA

9
10 **UNITED STATES DISTRICT COURT**
11
12 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

13 ALEX VILLANUEVA

14 Plaintiff,

15 vs.

16 COUNTY OF LOS ANGELES,
17 COUNTY OF LOS ANGELES
18 SHERIFF'S DEPARTMENT, LOS
19 ANGELES COUNTY BOARD OF
20 SUPERVISORS, COUNTY EQUITY
21 OVERSIGHT PANEL, LOS
22 ANGELES COUNTY OFFICE OF
23 INSPECTOR GENERAL,
24 CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
ESTHER LIM, and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 2:24-cv-04979-SVW-JC

[Assigned to Hon. Stephen v. Wilson and
Magistrate Judge Jacqueline Chooljian]

**PLAINTIFF ALEX VILLANUEVA'S
REPLY TO DEFENDANT'S
OPPOSITION TO HIS MOTION IN
LIMINE NO. 4 TO EXCLUDE
EVIDENCE, INNUENDO, OR
ARGUMENT REFERENCING "DEPUTY
GANGS"; MEMORANDUM OF POINTS
AND AUTHORITIES;**

(MIL NO. 4 OF 6)

Date: May 26, 2025
Time: 1:30 p.m.
Dept.: 10A

Trial Date: June 3, 2025
Action Filed: June 13, 2024

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Contrary to Defendants' baseless accusations of bad faith, Plaintiff fully complied with Local Rule 7-3 and met and conferred with Defendants regarding this motion. Plaintiff expressed concern not only about the Office of Inspector General ("OIG") reports, but also about the broader issue of improper references to "deputy gangs" during trial. The parties agreed to a limited stipulation not to introduce OIG reports. Defendants' suggestion that this narrower stipulation moots Plaintiff's broader motion is incorrect and misleading.

Defendants refused to agree to exclude other references to deputy gangs, and Plaintiff clearly stated during meet and confer discussions that the stipulation did not address that remaining dispute. Filing the motion was therefore necessary and proper. Defendants' repeated threats of sanctions are meritless and should be rejected out of hand.

Further, Defendants clearly intend to introduce the very evidence that Plaintiff is seeking to exclude through this motion. Defendants cite no authority for their request for sanctions and do not even attempt, let alone accomplish an amount of ten thousand dollars. The motion should be granted in full and Defendant's request should be denied.

II. DEFENDANTS TAKE THE FRIVOLOUS POSITION THAT ANY STATEMENT EVER UTTERED BY PLAINTIFF IS FAIR GAME

Defendants argue that any mention of “deputy gangs” made by Plaintiff at any time during his multi-decade career in public service somehow opens the door to unlimited cross-examination and presentation of unrelated and prejudicial evidence. This position is not only legally untenable—it is absurd. If adopted, it would permit Defendants to transform this trial into a referendum on every controversial statement Plaintiff has ever made, regardless of its relevance to the issues in this case.

Such an approach would extend the trial indefinitely and distract the jury from the core question: whether Plaintiff's constitutional rights were violated by the retaliatory

1 placement of a “Do Not Rehire” designation in his personnel file.

2 **III. DEFENDANTS DO NOT DISPUTE THEY INTEND TO USE THE**
3 **VERY EVIDENCE PLAINTIFF SEEKS TO EXCLUDE**

4 Despite their stipulation not to introduce OIG reports, Defendants make clear in
5 their opposition that they still intend to reference Plaintiff’s public comments on deputy
6 gangs, including Facebook Live streams, social media posts, and media interviews.
7 Defendants claim this evidence is relevant to whether Plaintiff’s speech has been
8 “chilled,” but this is a non sequitur. The standard is whether the government’s retaliatory
9 conduct would chill a person of ordinary firmness—not whether the Plaintiff continued
10 to speak afterward.

11 Moreover, even if marginally relevant, this evidence should still be excluded under
12 Federal Rule of Evidence 403 because it is highly prejudicial, will mislead the jury, and
13 will result in a trial-within-a-trial on collateral matters such as whether “deputy gangs”
14 exist, what Plaintiff meant by his statements, and how others reacted. This is exactly the
15 kind of distracting and inflammatory evidence Rule 403 is designed to exclude.

16 **IV. DEFENDANTS’ RELIANCE ON PLAINTIFF’S PUBLIC**
17 **STATEMENTS IS MISPLACED AND DOES NOT JUSTIFY**
18 **ADMITTING UNLIMITED EVIDENCE**

19 The fact that Plaintiff has made statements critical of the Board or the OIG does not
20 transform every such statement into a waiver of his right to a fair trial. Defendants’
21 attempt to bootstrap these statements into a full-scale inquiry into “deputy gangs” is
22 inappropriate and unsupported by any legal authority. Indeed, courts routinely exclude
23 evidence that is minimally probative and highly prejudicial, especially where, as here,
24 the evidence may inflame juror passions or cause confusion. See *United States v. Hitt*,
25 981 F.2d 422, 424 (9th Cir. 1992); *Gutierrez v. Cnty. of Los Angeles*, 2024 U.S. Dist.
26 LEXIS 240091, at *10.

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1 **V. DEFENDANTS' REQUEST FOR SANCTIONS IS MERITLESS AND**
2 **SHOULD BE DENIED**

3 Finally, Defendants' request for sanctions is not supported by law or fact. Plaintiff
4 filed a legitimate motion to clarify the scope of admissible evidence at trial. Defendants
5 concede they declined to agree to the broader exclusion Plaintiff sought, and Plaintiff
6 timely moved to resolve the dispute. There is no bad faith, no willful misconduct, and no
7 basis for sanctions under Local Rule 83-7 or any other authority.

8 **VI. CONCLUSION**

9 For the foregoing reasons, and for those stated in Plaintiff's original motion,
10 Plaintiff respectfully requests that the Court grant Plaintiff's Motion in Limine No. 4 in
11 full, excluding all evidence, innuendo, or argument referencing "deputy gangs," and
12 deny Defendants' baseless request for sanctions.

13
14
15 Dated: May 12, 2025,

SHEGERIAN & ASSOCIATES, INC.

16
17 By: 
18 Alex DiBona, Esq.

19 Attorneys for Plaintiff,
20 ALEX VILLANUEVA

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1 **VILLANUEVA v. COUNTY OF LOS ANGELES, et al. USDC Case No. 2:24-cv-04979 SVW (JC)**

2 **PROOF OF SERVICE**

3 **UNITED STATES DISTRICT COURT**

4 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

5 I am an employee in the County of Los Angeles, State of California. I am over the
6 age of 18 and not a party to the within action; my business address is 11520 San Vicente
Boulevard, Los Angeles, California 90049.

7 On May 12, 2025, I served the foregoing document, described as "**PLAINTIFF ALEX
8 VILLANUEVA'S REPLY TO DEFENDANT'S OPPOSITION TO HIS MOTION
9 IN LIMINE NO. 4 TO EXCLUDE EVIDENCE, INNUENDO, OR ARGUMENT
REFERENCING "DEPUTY GANGS"; MEMORANDUM OF POINTS AND
AUTHORITIES;**" on all interested parties in this action as follows:

10 **Louis R. Miller (State Bar No. 54141)**

11 **smiller@millerbarondess.com**

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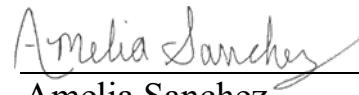
17 **2121 Avenue of the Stars, Suite 2600**

18 **Los Angeles, California 90067**

19 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
20 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
21 in the case who are registered CM/ECF users will be served by the CM/ECF
22 system. Participants in the case who are not registered CM/ECF users will be
23 served by mail or by other means permitted by the court rules.

24 **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
25 this Court at whose direction the service was made.

26 Executed on May 12, 2025, at Los Angeles, California.

27 
28 **Amelia Sanchez**